

ALL COURTS IN SESSION

"Slaves" Appear Before Judge Estee.

The Supreme Court was occupied yesterday morning with the case of the Territory vs. Lillokakani and John Wilson, in which the defendants appeared from taking sand from Waikiki beach at low water mark. The defendants claim their title under a deed given by Kamehameha IV. conveying rights at low water, which it is argued on behalf of the government, the king had no right to make. The appellants are represented by Robertson & Wilder and Hatch & Silliman. Mr. Wilder opened the argument yesterday morning, and was followed by Judge Silliman. He will conclude his argument this morning, and Attorney General Dole will then present the case of the government. Mr. Fitch and Judge Gear are sitting as associate justices with Justice Galbraith.

FEDERAL COURT.

The "slaves" indicted by the Federal grand jury were brought into court yesterday and arraigned by their true names. There were twelve altogether, charged with violating the adultery and fornication sections of the Edmunds act, and they made a queer showing of Honolulu's cosmopolitan population. There were Japanese, Chinese, Porto Ricans and Portuguese, and as the defendants were arraigned in pairs, it required the services of two interpreters at the same time to present the indictments. The three charged with adultery were: A. Rodriguez, Henry Arinas and Angela Estada, whose bonds were fixed at \$2,500 each.

Those charged with the lesser crime were: H. Yamaguchi and Kudo, Chung Ah Ki and Asa Watanabe, Frank Ricafort and Julia Aparicia, Chung Pui and H. Kosakal and Aparicia. The bail in each case was fixed at \$1,000. Chung Pui will probably furnish the necessary bond today. All the defendants were given until Saturday to plead. The cases will be taken up next week, according to the announcement of Judge Estee yesterday.

EIGHT HOUR CASES.

W. M. Campbell, the contractor, and Ohta, the Japanese sub-contractor, who were indicted for violation of the eight hour labor law relating to government contracts, were arraigned yesterday and both entered pleas of not guilty. The cases will probably come up for trial next Tuesday. Both men are out on bail.

MALING'S ACCOUNTS APPROVED.

The accounts of Clerk W. B. Maling were presented by United States Attorney Dunne and approved by the court. Charles Creighton was admitted to practice in the Federal court.

CIRCUIT COURT.

Judge Gear was occupied on the Supreme Court bench yesterday morning but he held a brief session in the afternoon.

Judge Humphreys performed his first official act yesterday by removing Dan H. Case as court stenographer, a position he has held since July, 1898. Mr. Case was first asked to resign, but he refused to do so, replying to the request as follows:

Honolulu, Oahu, October 31, 1901.
Hon. A. S. Humphreys, First Judge, First Circuit Court:
Dear Sir:—Not being conscious of having neglected my duties as official court reporter I do not feel that I can, in justice to myself, resign as you have this morning requested.

You stated you would take action in the matter yourself at 12 o'clock if I did not, and I feel that will be the better course to follow. I do not do this to antagonize you, as I have no such desire, but is simply the course that my judgment has dictated.

Respectfully yours,
D. H. CASE.

Judge Humphreys thereupon issued the following order:
In the Circuit Court of the First Judicial Circuit of the Territory of Hawaii, at Chambers.

Order Removing Daniel H. Case, Esq., from the Position of Stenographer: It is ordered that Daniel H. Case, Esq., be and he is hereby removed from the position of stenographer in this court. And it is further ordered that the clerk of this court do certify and serve a copy of this order upon said Daniel H. Case, Esq., forthwith.

Done at chambers, this 31st day of October, A. D. 1901.

A. S. HUMPHREYS, First Judge.

Both papers were filed as a part of the court record. Mr. Case was re-appointed by Judge Humphreys a year ago. The Chief Justice is required by the statute to approve the appointment, but it is silent on the question of removal.

It is reported around the Judiciary building that the reason as given by Judge Humphreys for the removal of Mr. Case is that he made out a transcript of the minutes of the Bar Association meeting where charges preferred were against the judge. Mr. Case is secretary of the Association and as such prepared the report of the meeting.

It is not known who is to succeed to the position of court stenographer, but an Arizona man named Williams is, it is said, slated for the job. With both courts in session next week two and perhaps three stenographers easily could be utilized. A good many of the employes about the court rooms are wondering where the lightning will strike next. Judge Humphreys has so far made no appointment of a clerk of courts, to which he is entitled under the act of the recent legislature.

NEW SUITS.

The first suit under the section of the Organic Act relating to fisheries was begun yesterday by the Campbell Estate vs. the Territory of Hawaii. Plain-

tiffs allege that if the citizens of the United States are allowed to take mullet from the waters at Pearl Harbor they will suffer great pecuniary loss. The claim that these rights have belonged to them from time immemorial and by ancient custom and usage they have the exclusive right to take mullet from these waters. Plaintiffs claim in fee simple the ahupuaas of Honolulu (Iwa) and the following ahupuaas in Koolaula: Malaekakana, Keana, Kahulu, Punaluu, Olupaha, Hanakoa, Oho 1st, Oho 2d, Kawela, Opana 1st, Opana 2d, Pahipahia and Kaunala; also in ahupuaa at Pearl Harbor.

The judgment obtained by C. H. Brown against the plumber's trust was attached in Circuit Court yesterday by the Pacific Hardware Co., claiming \$810.66 for merchandise sold to defendant in the past two years. Brown is the principal defendant and T. F. Davidson and the other plumbers against whom the judgment was obtained in Federal court are named as garnishees.

STEWART MAKES A KICK.

Yesterday morning before the Supreme Court commenced Judge Gear heard the motion of T. McCants Stewart to allow him access to the grand jury minutes in the case of Wm. Davis, indicted for assault. Before Stewart began his argument Judge Gear stated that he did not consider the motion favorably, as the grand jury secrets should be kept inviolate. Stewart remarked that in such a case there was no use for him to argue, and that it was very embarrassing to attorneys to have a case prejudged. The argument was ended by the adjournment of court.

COURT NOTES.

Judgment was awarded plaintiff yesterday in the case of W. C. Achi vs. Keopulupu.

J. A. Thompson, master, filed a report yesterday approving the accounts of J. O. Carter, guardian for the Hardee minors. Charles Hardee, one of the minors, is now at work and has declined to receive any share of the income until two years time, when he becomes of age. The total receipts for the year were \$7,962.82 and disbursements were \$7,749.08.

STREETS WILL BE WIDENED IN HILO

The executive council at its meeting yesterday considered the report and recommendations made by Marston Campbell in regard to public improvements which was published about a week ago. Mr. Campbell stated the amount of damage done to the Pacific Mail wharf by the Packard would aggregate \$500. The offer of the assistant superintendent for \$200 to be spent on bridges in the Koolau-poko district was granted.

The offer of the Bishop estate to give the government a strip of land to widen Front and Wharf streets in Hilo, providing that all expenses of curbing and erecting a fence along the frontage be paid by the Territory, was favorably received.

The petition of M. K. Nakulua that he be granted a lease for five years of two rooms in Honolulu Hale at a monthly rental of \$15, was not granted. It was decided that if he would offer \$15 for each room the lease would be put up at auction, with that amount as an upset price.

George Munday's application for a dealer's license at Kailiwhai was denied. M. Yamaski's application for beer license at Waianae and of Kaloakoukamaile for a license at Napoopoo, Hawaii, were referred to the high sheriff. Aki was granted a license at Kawaihae, South Kona.

The report of Assistant Superintendent Campbell in regard to the judiciary building follows:

Sir: I have the honor to report as follows in regard to condition of roof in judiciary building:

Many of the leaks in the roof are caused by the slates and shingles being broken and cracked, and the joints being over each other; also the shingles are loose and are falling down on account of the nails being eaten away by rust.

The rafters in many places have settled so as to leave a hole on the cement ridge, allowing the water to leak down on the ceiling.

The valley gutterways are in very bad condition. Many of these gutters are of copper and are beyond permanent repair. The lead flashing on the front veranda needs replacing. All veranda roof needs painting and repairs. Many of the ceiling joists in roof are badly eaten, and bolts and spikes are slack, which causes the tie beams to settle, and breaks the plaster in many rooms.

The accompanying sketch shows the location of all leaks, etc.

I have the honor to be, your obedient servant,
MARSTON CAMPBELL,
Assistant Superintendent of Public Works.

FOR MEMORIAL AT M'KINLEY'S HOME

Governor Dole has received notification of his appointment as an honorary member of the Board of Trustees of the National McKinley Memorial Association, and has been authorized to receive contributions to the fund for a memorial at Canton, Ohio.

The officers of the association are: W. R. Day of Canton, President; M. A. Hanna of Cleveland, Vice President; Myron T. Herrick of Cleveland, Treasurer, and Ryerson Ritchie of the same city, Secretary.

In a letter received by Governor Dole it is stated:

"The association will prepare and distribute to all donors to the fund a souvenir certificate and for this purpose the postoffice address of each donor is requested. It is hoped that the response of the people will be so liberal that a memorial may be erected which will fittingly honor the memory of our martyred president, and emphasize their loyalty to our institutions and their abhorrence of the spirit of lawlessness which inspired the assault upon his life."

Buller's Disgrace.

LONDON, Oct. 22.—Sir Redvers Buller has been relieved of the command of the First Army Corps in consequence of the speech he made October 10th, after the luncheon given in his honor by the King's Royal Rifles, dealing with his famous dispatch to General White at Ladysmith. He has been placed on half pay, and General French has been appointed to succeed him.

UNDEVELOPED RESOURCES OF THE HAWAIIAN ISLANDS

The following interesting article on the "Undeveloped Resources of Hawaii" appears in the first issue of the Current Encyclopedia, published last July in Chicago.

It may be said that with the exception of the production of sugar, rice, firewood, fertilizers and live stock, and the promotion of irrigation, the development of the natural resources of the Hawaiian Islands has scarcely begun. In irrigation a good beginning has been made, but a great extension of it is very practicable. The same may be said about the production of fertilizers. Several of the small uninhabited islands in the northwestern part of the group have considerable quantities of phosphate guano. One of these, Laysan Island, has been worked for several years by a local company under a lease from the Hawaiian government.

The production of fruit, vegetables and farm products is capable of a large increase. This will be promoted both by a growing local demand, due to an increasing population, and by an improved market for some of these products on the mainland, under the influence of free trade.

The canning industry and the production of jellies and jams will be stimulated by the same new conditions.

The climate and soil of the Territory are most favorable for the growing of fiber plants, in which enterprise some experiments have already been made. There is reason to believe that factories for the manufacture of cordage and dress fabrics supplied with raw material from local production may be profitable.

There seems to be no good reason why woolen factories for manufacturing the local product might not be profitably carried on. A shoe manufacturing enterprise, to consume the local production of hides, is now being organized in Honolulu.

E. E. HARTMAN HOME FROM JAVA

E. E. Hartman, consulting sugar chemist at Hilo, returned to Hawaii yesterday on the steamship Hongkong Maru, from a six months' absence spent mostly in the island of Java. He went there to investigate the production of sugar, and comes back with some interesting data.

He has also brought seed which will be experimented with in these islands. He is registered at the Hawaiian Hotel.

Mr. Hartman is of the opinion that the Dutch rule in Java, while decidedly opposed to the methods of American rule, is of a character to obtain the best results from the 23,000,000 of inhabitants. It is land of few beggars, and the natural born thriftiness of the Dutch race has been instilled into the Javanese, and the many mixtures of people, so that every able-bodied man is made to work, if only to keep his rice patch in condition to supply his needs. The government of the Dutch in Java is carried on by a governor, who has unusual powers, but as the inhabitants are tractable and submissive, the relations of the governing and governed are cordial. One of the laws of the country is that every man must do some kind of work, otherwise he is fined, and this generally causes them to keep busy.

Mr. Hartman says that Java is covered with a network of railroads, and the highest cultivation of products is attained, both in uplands and lowlands. Almost all the available land is utilized for cultivation, the most of it being used for the raising of sugar. Java puts out about 600,000 tons of sugar per annum.

NO LEGAL FOUNDATION Exclusive Fishing Privileges Invalid.

Attorney General Dole filed a written motion for nolle prosequi yesterday before the Supreme Court, setting out in detail the question of fishing rights in the Territory of Hawaii. His motion was made in the case of Territory of Hawaii vs. Kanohi, as follows:

IN THE SUPREME COURT OF THE TERRITORY OF HAWAII, OCTOBER TERM, 1901.

Territory of Hawaii vs. Kanohi.

MOTION OF NOLLE PROSEQUI.

The interests which might be directly or indirectly affected by the above entitled prosecution are so great that I deem it best to state my reasons in writing, for asking that a nolle prosequi may be entered, in order that the same may be matter of court record.

The charges in said cases, originally begun in a District Court, are as follows: "Violating Section 169 of the Penal Laws of 1897 at Kaneohe, Island of Oahu, Territory of Hawaii, on the 25th day of April, 1901, by willfully depriving the Kanohi of the Ahupuaa of Kaneohe of his fishing rights and by then and there willfully appropriating to themselves taboos fish, to wit, Anamaa, of said Kanohi from the sea fishery of said Ahupuaa."

To this charge the following demurrer was filed:

"1. That there is no law provided for such an offense as the offense stated in the charge, to wit: by willfully depriving the Kanohi of Kaneohe of his fishing rights and willfully misappropriating the taboos fish to themselves, to wit, the Anamaa."

"2. It is not stated in the charge that the Kanohi fishery wherein the offense to be proved was committed by the defendants."

"3. Your court has no jurisdiction to hear a case of this nature."

All the laws relating to fishing rights in Kanohi were repealed by the Organic Act of the Territory of Hawaii, Section 55. The motion to dismiss was denied by the District magistrate. The act of taking the fish was admitted by the defendant. The record of the District Court shows that he pleaded guilty, but taken in connection with the demurrer and the record of the understanding between the attorneys on both sides, the conclusion is unavoidable that

There is an exotic plant, the acacia Farnesiana (Kailu), which for many years has grown wild in the arid lands. The flowers of which are valuable for the manufacture of perfume. It is such an enterprise should be established. It could be supplied with flowers to an almost unlimited extent.

It is highly probable that the cultivation of tobacco can be made very profitable. The plant seems to be greatly favored by both soil and climate, as it grows wild in several localities.

There is quite a large variety of indigenous trees in the Hawaiian forests, which furnish timber of great beauty and most suitable for the manufacture of furniture. The growth of such trees may be greatly promoted by protection and cultivation.

There is a large variety of fish of good quality in the waters washing the coasts of the Hawaiian Islands. At present, fishing is carried on by means of boats and native canoes, and in the shallow waters of the coral reefs without such means, for the supply of the local demand alone. A considerable portion of the fish caught is salted and dried for home consumption, also. Prices of fish in the larger towns is absurdly high.

There seems to be a good opportunity for a considerable development of the Hawaiian fisheries, especially if an outside market could be found for a part of the product.

The principal articles of export to the United States alone during the ten months ending April, 1901, were:

Brown sugar	\$17,131,580
Coffee	290,466
Wool	38,992
Hides and skins other than fur	9,793
Skins	67,791
Fruits, greens, ripe or dried	57,901
All other articles	250,702
Total	\$17,802,535

E. E. HARTMAN HOME FROM JAVA

and Batavia is therefore quite an important shipping point. The sugar plant is a market in Australia, Hongkong and America, and under present conditions has to be sold in open market which materially reduces the profits. Mr. Hartman figures that Java planters get less than two cents, while the Hawaiian planters realize more than four.

There is no trouble in Java about procuring laborers. The country teems with good field workers, and they are very submissive to the planters. They work for about ten cents a day, and supply their own food. If it was not for this fact the profits of sugar raising would be very low indeed. There are the two distinct seasons of rain and dry. During the latter the cane is raised entirely by irrigation, the water being from running streams. There is an abundant supply of water, and the planters never have any fear for their crops from this source. The cane matures in one year, and affords on the average good crops. The cane is of the second generation class.

The people of the islands are of a mixed class, Malays and Sundanese in the east, Javanese in the center, and Madurans in the far east. They are all a happy, satisfied lot, work very steadily, and the Dutch, although maintaining a large number of troops there, seldom have any difficulty with them.

The machinery used on the plantations is of an old type, and is of Dutch patenting. Particular care is bestowed upon all the work done around the plantations, the scientific and being looked after on each plantation by at least two chemists and oftentimes four.

He did not admit that he had violated law.

Upon this admission, the District magistrate sentenced the defendant to pay a fine of one dollar and costs.

Sections 56 and 56 of the Organic Act are as follows:

"That all laws of the Republic of Hawaii which confer exclusive fishing rights upon any person or persons are hereby repealed, and all fisheries in the sea waters of the Territory of Hawaii not included in any fish pond or artificial enclosure, shall be free to all citizens of the United States, subject, however, to the right of the Hawaiian people to the taking of fish after three years from the taking effect of this act unless established as hereinafter provided. * * *

That any person who claims a private right to any such fishery shall, within two years after the taking effect of this act, file his petition in a Circuit Court of the Territory of Hawaii, setting forth his claim to such fishing right, service of which petition shall be made upon the Attorney General, who shall conduct the case for the Territory, and such case shall be conducted as an ordinary action at law. That if such fishing right be established, the Attorney General of the Territory of Hawaii may proceed, in such manner as may be provided by law for the condemnation of property for public use, to condemn such private right of fishing to the use of the citizens of the United States upon making just compensation, which compensation, when lawfully ascertained, shall be paid out of any money in the treasury of the Territory of Hawaii not otherwise appropriated. These sections, excepting such as are a matter of vested right."

Section II of Article V of Chapter VI of the session laws of 1896 provides that:

"The fishing grounds from the reefs, and where there happen to be no reefs, from the distance of one geographical mile seaward to the beach at low water mark, shall be considered the private property of the landholder whose lands, by ancient regulation, belong to the same; in the possession of which private fisheries, the said landholders shall not be molested except to the extent of the reservations and prohibitions hereinafter set forth."

This section has continued in force for fifty-five years, unchanged by legislation other than the Organic Act. Under this section it seems to me, a vested right to an exclusive Kanohi fishing privilege must be founded upon a regulation or user of a land, ancient and established as long ago as the year 1846. It seems to me that all exclusive fishing privileges in the sea which were not ancient and established in 1846 are without legal foundation.

The prosecution in the above entitled action assumes a valid Kanohi fishing right without proof of such title. An admission of such right would be a precedent which might cost the Territorial government hundreds of thousands of dollars in condemnation proceedings, pursuant to Section 56 of the Organic Act. Such admission, if not an absolute estoppel, would be at least a serious obstacle

in asserting the rights of the Territory. I had no intimation of the prosecution here, until the case came up on appeal to the Supreme Court. The prosecuting witness, if his rights have been invaded, can assert them by civil action, and I believe that I cannot sanction the prosecution in the absence of proof of vested right, without jeopardizing interests of the Territory, the magnitude of which it is impossible to foresee.

I, therefore, move that a nolle prosequi be entered.

Dated this — day of October, 1901.

E. F. DOLE,
Attorney General.

RIOT CALL AT BARGAIN RUSH.

800 Women Charge on a Store in Charleston, S. C.

CHARLESTON, S. C., Oct. 23.—About eight hundred women, many of whom were members of well known families, were dispersed by the police this morning while in a rush toward the door of a bargain house on King street. Alluring offers had been made, and before the establishment was opened the women had blocked the street to such an extent that cars could not be run.

When the doors swung back the women swarmed in and dozens were trampled upon and hurt. Several women fainted. Mary Coleman, colored, was thrown to the sidewalk and the mad bargain hunters rushed over her. She is seriously injured. As the mob surged through the entrance glasses were smashed and the heavy barricades previously erected were twisted from their places. A riot call was sent to police headquarters and a patrol wagon filled with policemen was rushed to the scene. The mob was driven back and the police closed the store.

The proprietor was allowed to open later in the day.

CAN'T STOP THE WEDDING.

Lieut. Cecil's Mother Falls to Get Aid From the Courts.

EDINBURGH, Oct. 23.—The Court of Chancery issued a warrant for the arrest of Lieut. Cecil, a grandson of the Marquis of Exeter, whose betrothal to a Miss Bain, the daughter of a merchant, were published last Sunday, but the chief constable refused to act unless the Lord President, the head of the Scottish Court, indorsed the writ. The latter refused to do so and the betrothal will be proclaimed again tomorrow for the last time.

Lieut. Cecil is a minor and a ward in chancery and his mother obtained an order from the Chancery Court in London forbidding the wedding. This order, however, was not valid in Scotland.

Ozoigoe's Death Day.

ALBANY, N. Y., Oct. 24.—Leon F. Ozoigoe, the murderer of President McKinley, will be electrocuted at 7 a. m. on Tuesday, October 29, at Auburn prison.

Blanche Bates, the San Francisco actress, is ill at Detroit.

HONOLULU STOCK EXCHANGE.

Honolulu, October 31, 1901.

NAME OF STOCK. Capital. Val. Bid Ask

MERCANTILE.

O. Brewer & Co., Ltd. 1,000,000 100 425

W. B. Kerr & Co., Ltd. 200,000 100 46

SUGAR.

Awai Agricultural Co. 1,000,000 100 25 1/2

Haw. Com. & Sug. Co. 2,812,700 100 29

Hawaiian Sugar Co. 2,000,000 100 27

Sisal Plant. Co., Ltd. 2,000,000 100 25

Hokuahu. 500,000 100 25

Kahuku. 500,000 100 25

Kilauea. 500,000 100 25

Koloa. 500,000 100 25

Kona. 500,000 100 25

Nanuku Sugar Co. 500,000 100 25

Oahu Sugar Co. 500,000 100 25

Waimanalo. 500,000 100 25

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